IN RE: PETITION FOR RESIDENTIAL

* BEFORE THE

ZONING VARIANCE

N/S Fairwood View Court, 702.87' * ZONING COMMISSIONER

W of c/l of Cooper Road

15 Fairwood View Court * OF BALTIMORE COUNTY

10th Election District

6th Councilmanic District * Case No. 99-108-A

Scott Rasmussen, et al, Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Scott Rasmussen and Maryann Kohan, property owners, for that property known as 15 Fairwood View Court in the Fairwood of Hunt Valley subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1A03.4.B.4 or 1A03.4.B.2 (1998 ed.) of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 14 ft. from the western side property line to the proposed attached garage, in lieu of 50 ft. required; a variance to permit a rear yard setback of 38 ft. from the rear property line in lieu of the 50 ft. required, and to amend the Final Development Plan for Fairwood of Hunt Valley, in an R.C.4. zone. The property and relief sought are more particularly described on Petitioners' plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

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submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

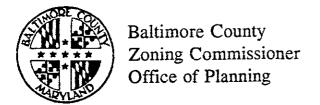
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner for Baltimore County

LAWRENCE E. SCHMIDT

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

October 7, 1998

Mr. Scott Rasmussen Ms. Maryann Kohan 15 Fairwood View Court Phoenix, Maryland 21131

> RE: Petition for Administrative Variance Case No. 99-108-A Property:15 Fairwood View Court

Dear Mr. Rasmussen and Ms. Kohan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

c: Howard L. Alderman, Jr., Esquire Levin and Gann, P.A. Suite 113, 305 W. Chesapeake Avenue Towson, Maryland 21204



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

15 Fairwood View Court

which is presently zoned

R.C. 4

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHMENT A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHMENT A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition
Contract Purchaser/Lessee	Legal Owner(s)
N/A (Type or Print Name)	Scott Rasmussen & Maryann Kohan (Type or Print Name)
Signature	Screture Scott Rasmussen
Address	May An Kohen
City State Zipcode	Signature Maryann Kohan
Attorney for Petitioner	
Howard L. Alderman, Jr., Esquire (Type or Print Name)	15 Fairwood View Ct. 410-385-9437 Address
Lowerd Gederman	Phoenix, Maryland 21131 City State Zipcode Name, Address and phone number of representative to be contacted
Levin & Gann, P.A.	Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Ave. 410-321-0600	Levin & Gann, P.A.
	Name 305 West Chesapeake Avenue
Address Suite 113 Phone No	Suite 113 410-321-0600
Towson, Maryland 21204 State Zipcode	AddressTowson, Maryland 21204 Phone No

Zoning Commissioner of Baltimore County

EVIEWED BY:

ESTIMATED POSTING DATE:

DATE 9/10/98



Printed with Soybean link
on Recycle Paper
09 = 108 = A

ITEM #: 108

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

hat the Affiant(s) does/do presently reside at	15 Fairwood View Court	
	address	•
	Phoenix, Maryland 21131	
	Crty State Zip Code	,
nat based upon personal knowledge, the following the following at the above address: (indicate hardship or	wing are the facts upon which I/we base the request for an Administrative practical difficulty)	
		_
	SEE ATTACHMENT B	
nature) COLT Rasmussen Se or point name) TATE OF MARYLAND, COUNTY OF BALT	talgrature) Mary Ann Kohan (type or print name)	
	Sastambade 98. before me. a Notary Public of the	State
Send Rasmus	son and Maryana Koha	2
: Affiants(s) herein, personally known or satisf it the matters and facts hereinabove set forth a	factorily identified to me as such Affiantt(s), and made oath in due form o are true and correct to the best of his/her/their knowledge and belief.	f law
S WITNESS my hand and Notarial Seal.	, 1	لادر
eptember 4, 1998	NOTARY PUBLIC	7
	My Commission Expires:	[[

NOTARY FUBLIC STATE OF MARYLAND My Commission Exchange 10, 1990

Affidavit in support of Administrative Variance

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estily thereto in the event that a public hearing.	15 Pod	rwood Vi		rt		
That the Affiant(s) does/do presently reside at	address		OOU			
	Phoeni	x, Maryl	Land 21	131		
-	City			State	Zip	Code
hat based upon personal knowledge, the folior triance at the above address: (indicate hardship or	wing are the	t facts upon w	hich I/we ba	se the request	for an Adminis	trative
		SEE ATTA	ACHMENT	В		
signature) Scott Rasmussen Type or print name) STATE OF MARYLAND, COUNTY OF BALT I HEREBY CERTIFY, this 4 day of	TIMORE 10	tento	(type ör	Ann Koh print name)		
of Maryland, in and for the County aforesaid, p	ersonany ap	opearen	10	2001	no t	The
the Affiants(s) herein, personally known or sati that the matters and facts hereinabove set forth	isfactorily id	lentified to me	e as such Ai	fiantt(s), and	made oath in du	e form of law
AS WITNESS my hand and Notarial Scal.	S	La	2	1	other.	an LA
date January 1	0	NOTARY	PUBLIC	<u>, </u>		1/1
		Му Сотт	ission Expir	res:		(A)
			1	ALIRA HARTA	IAN	18/

NOTARY PUBLIC STATE OF MARYLAND My Commission Expires May 10, 1999

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County

for the property located at

15 Fairwood View Court

which is presently zoned

R.C. 4

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHMENT A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHMENT A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

N/A	Legal Owner(s)
	Scott Rasmussen & Maryann Kohan
Type or Print Name) (Type or Print Name)
Signature	Signature Scott Rasmussen
Address	(Type or Print Name)
	May Ar Kohen
City State Zipcode S	Signature Maryann Kohan
Attorney for Petitioner	•
	15 Fairwood View Ct. 410-385-9437 Address Phone No
	Phoenix, Maryland 21131
	City State Zipcode Name, Address and phone number of representative to be contacted
"	Howard L. Alderman, Jr., Esquire
	Levin & Gann, P.A.
Address Suite 113 Phone No	Name 305 West Chesapeake Avenue
	Suite 113 410-321-0600
Towson, Maryland 21204 City State Zipcode	Address Towson, Maryland 21204 Phone No

Zoning Commissioner of Baltimore County

<u>.</u>

REVIEWED BY:

DATE

circulation, throughout Baltimore County, and that the property be reposted

Printed with Soybean Ink on Recycled Paper 99-108-A

ITEM #: 108

ESTIMATED POSTING DATE:

Attachment A

PETITION FOR ADMINISTRATIVE VARIANCE

Address:

15 Fairwood View Court

Legal Owners:

Scott Rasmussen & Maryann Kohan

Contract Purchaser:

N/A

Present Zoning:

R.C. 4

VARIANCE RELIEF REQUESTED:

A variance from BCZR § 1A03.4.B.4 (1979 ed.; § 1A03.4.B.2, 1998 ed.) to permit a side yard setback of 14 feet (14') from the western side property line to the proposed garage in lieu of the 50 feet (50') required; a variance from BCZR § 1A03.4.B.2 to permit a rear yard setback of 38 feet (38') from the rear property line in lieu of the 50 feet (50') required; and to amend the Final Development Plan for Fairwood of Hunt Valley in accordance with the requested relief.

JUSTIFICATION:

- 1. Irregular shape, topography and pre-existing configuration of lot;
- 2. Due to the unique and irregular shape of the lot, the topography and the configuration of the existing residential dwelling, the Petitioners will be unable to construct the proposed garage without the grant of a variance.
- 3. For such further reasons as will be presented at the time of the hearing on this Petition if same is requested.

Attachment B

PETITION FOR ADMINISTRATIVE VARIANCE

Address:

15 Fairwood View Court

Legal Owners:

Scott Rasmussen & Maryann Kohan

Contract Purchaser: N/A

Present Zoning:

R.C. 4

That, based upon personal knowledge, the following are the facts upon which we base our request for Administrative variance at the above address:

- We are the legal owners and the occupiers of the above-referenced residentially-zoned real property; and
- The subject property is shaped uniquely and irregularly from other properties in the area; and
- The topography of the subject property is unique insofar as it slopes from the rear to the front of the lot; and
- The proposed garage cannot be constructed in any other location on the subject property because the configuration of the existing dwelling is such that access from the proposed garage into the existing dwelling cannot be established in a reasonable or logical manner; and
- Without approval of the requested variance, the Petitioners would be denied the opportunity to construct the proposed garage; and
- To the best of our knowledge, information and belief, the granting of the variance would be in accordance with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the public health, safety or general welfare.

FOR ADDITIONAL INFORMATION CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 305 W. Chesapeake Avenue Suite 113 Towson, Maryland 21204

> (410) 321-0600 Fax: (410) 296-2801 halderma@counsel.com

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 15 Fairwood View Court beginning at a point on the north side of Fairwood View Court which is 24 feet wide at the distance of 702.87' west of the centerline of the nearest improved intersecting street Cooper Road which is ±20' wide. Being Lot #19, Block N/A, Section # N/A in the subdivision of Fairwood of Hunt Valley as recorded in Baltimore County Plat Book #40, Folio #17, containing 1.475 acres. Also known as 15 Fairwood View Court and located in the 10th Election District 6th Councilmanic District.

BALTIMORE COUNTY, MARYL) OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT WWW. 108 No. 054716	
DATE 9/10/98 ACCOUNT ROO/6/50	PRINTERS AFTIME THE SPECIAL STATES OF THE SP
RECEIVED RAS MUSSEN	Figure Centy, Horism
FOR: RES. VAR. + AMEND DEV PLAN (SPH)	2-108-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

CERTIFICATE POSTING

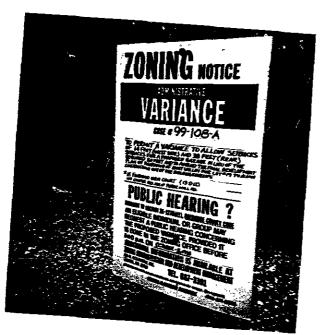
ADM/N RE: Case No.: 99-108
RE: Case No.: 99-108
Petitioner/Developer: RASMUSSEN, ETAL. YO LEVING GANN (BOB PORTER)
Date of Hearing/Closing: 10/5/98

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the pena	alties of perjury that the necessary sign(s) required by law
were posted conspicuously on the pr	operty located at #15 FAIR WOOD VIEW CO
The sign(s) were posted on	9/20/98
· · · · · ·	(Month. Day, Year)



15 FAIR WEND VIEW CT P-9/20/98 CDSE # 99-108-A CL-10/5/98

Sincerely,

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 108 -A Address 15 FAIRWOOD & VIEW CT.			
Contact Person:			
Planner, Please Print Your Name			
Filing Date: 91098 Posting Date: 92098 Closing Date: 10598			
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.			
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.			
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.			
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.			
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.			
(Detach Along Dotted Line)			
Petitioner: This Part of the Form is for the Sign Poster Only			
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT			
Case Number 99- 108 -A Address 15 FAIRWOOD VIEW CT			
Petitioner's Name <u>PASMUSEN + KOHAN</u> Telephone <u>410 321 6600</u>			
Posting Date: 92098 Closing Date: 10598			
Wording for Sign: To Permit 4 FT. (WEST SIDE) AND 38 FT. (REAR), SETBACKS FOR			
A PROPOSED ATTACHED GARAGE IN LIEU OF THE REQUIRED 50 FT, AND TO AMEND			
THE FINAL DEVELOPMENT PLAN OF FAIRWOOD OF HUNT VALLEY FOR LOT # 19 TO			
ALLOW CONSTRUCTION OUT OF THE BUILDING-ENVELOPE.			

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

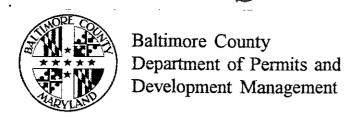
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
1 m (C)
Item Number or Case Number:
Petitioner: Scott RASMUSSEN & MARGANN KOHAN
V _I EW /
Address or Location: 15 FAIR WOOD, COURT
PLEASE FORWARD ADVERTISING BILL TO:
Name: HOWARD L. ALDERMAN, JR., ESQUIRE
LEVIN & GANN, P.A.
Address: 305 WELT CHELAPERKE AVENUE, SUITE 113
TOWSON MD 21204
Telephone Number: 410 · 321 · 0600

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 6, 1998

Mr. Howard L. Alderman, Esq. Levin and Gann, P.A. 305 W. Chesapeake Avenue Towson, MD 21204

RE: Item No.: 108

Case No.: 99-108-A

Location: 15 Fairwood View Ct.

Dear Mr. Alderman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 10, 1998.

The Zoning Committee (ZAC), which consists Advisorv representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Date: September 22, 1998

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comment on the following petition (s):

fpy W. Long

Item No (s): 101, 108, 109, and 110

If the should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date: 9.22.91

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No.

108 144

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Por Ronald Burns, Chief **Engineering Access Permits**

1. J. Gredh

Division

LG



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

September 24, 1998

TO Mablon, Director

with and Development Management

UTOP 1105

FF * ROBERT P. SAUERWALD

A HARSHAL OFFICE

FR. STOP - 1102F, PHONE 887-4881

RE wherty Owner: SEE BELOW

Lo DISTRIBUTION MEETING OF SEPT. 21, 1998.

It SEE BELOW Zoning Agenda:

Georgianen:

su live this Bureau and the comments below are applicable and recorrected or incorporated into the final plans for the

8 Production of the following item numbers: 101, 103, 104, 105, 106, (108) 109, 110 AND 112.





I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

To:

PDM

DATE:

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date:

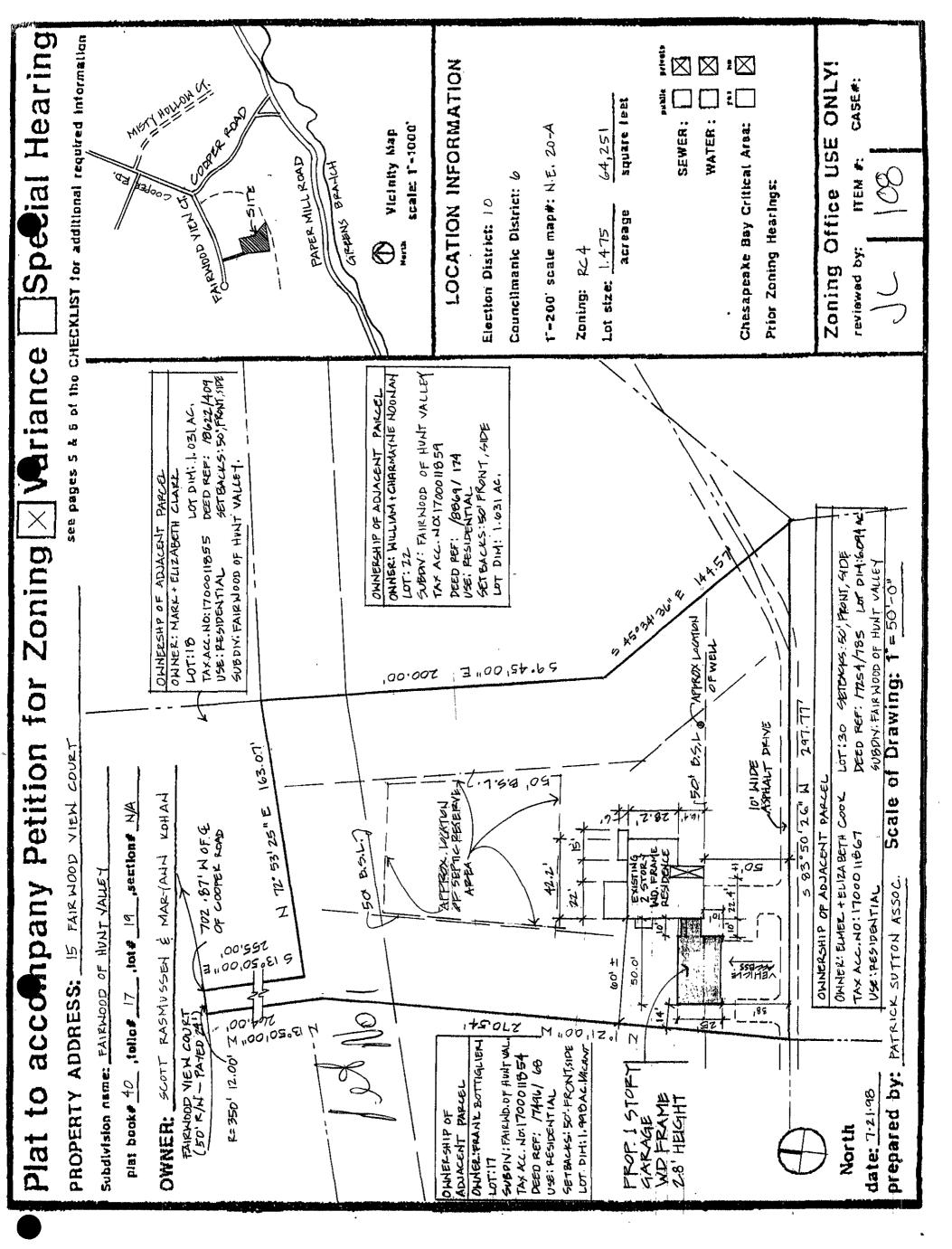
The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Additional

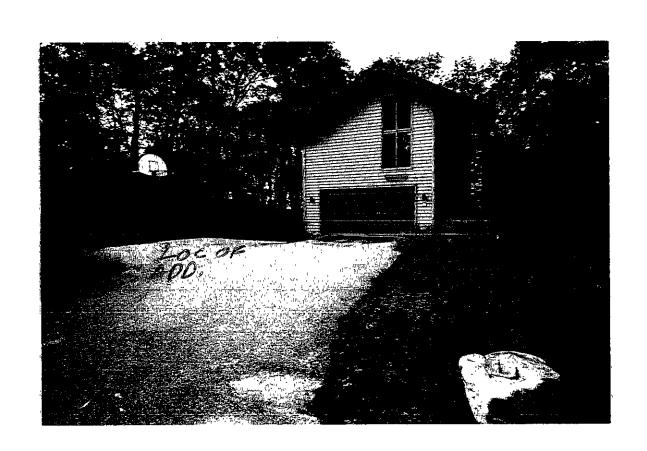
Item #'s: /08

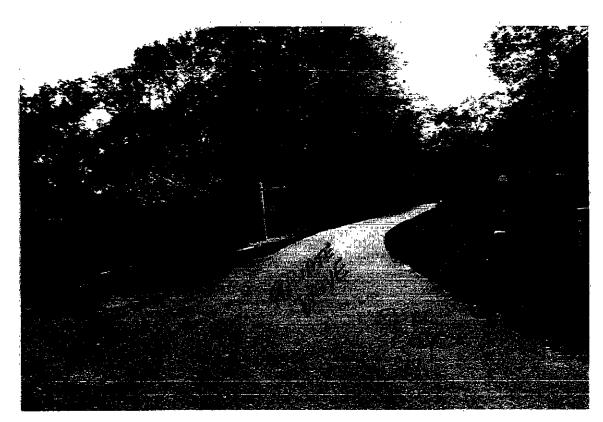
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BRUCE2/DEPRM/TXTSBP



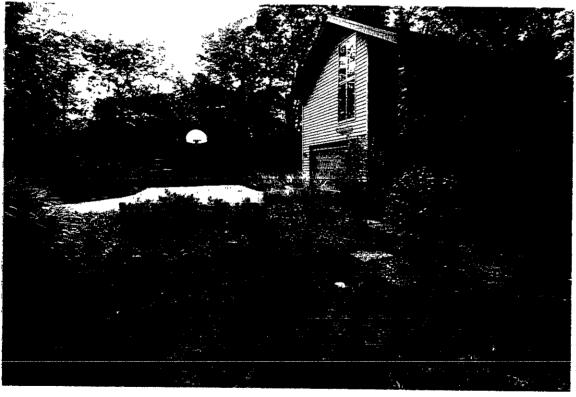
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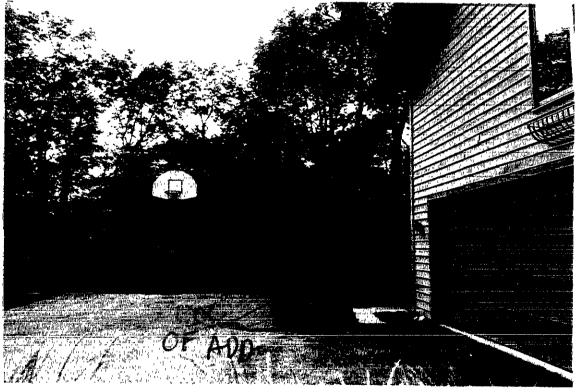


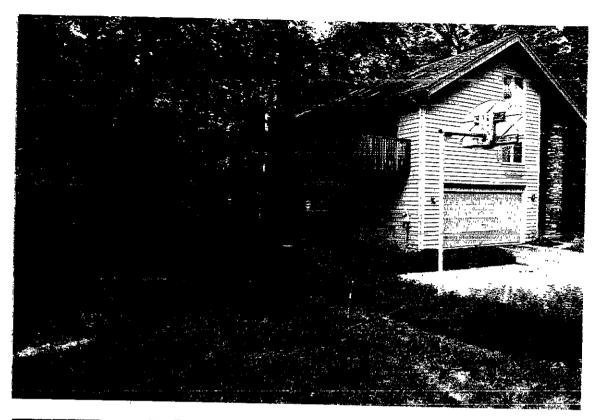


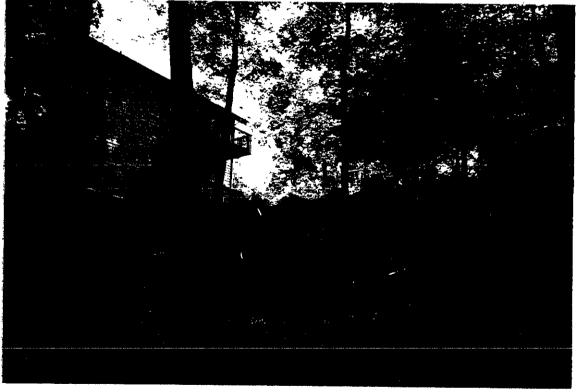


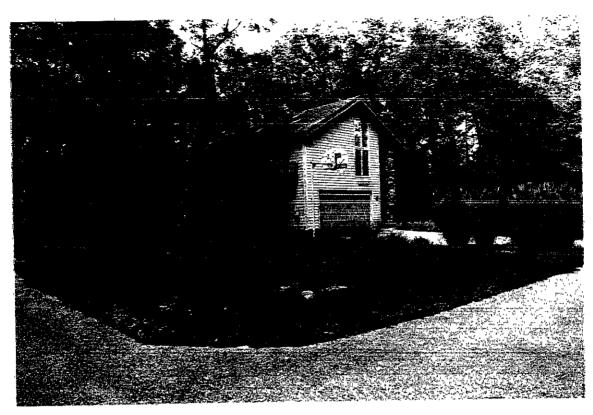


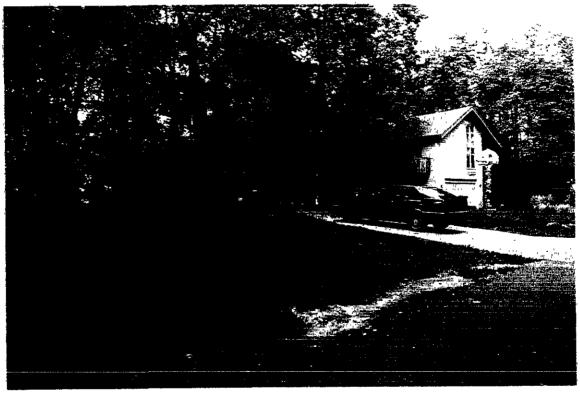


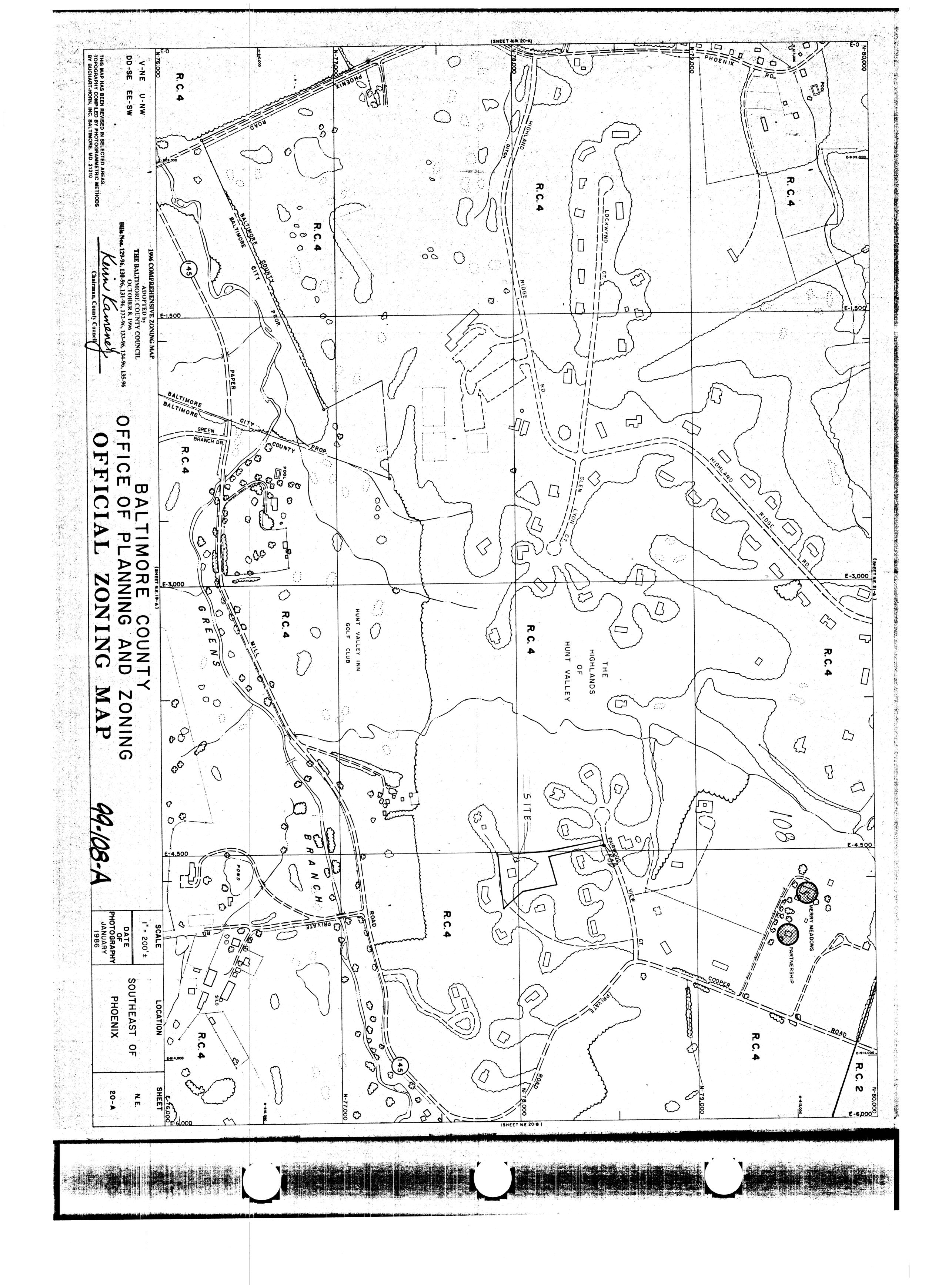


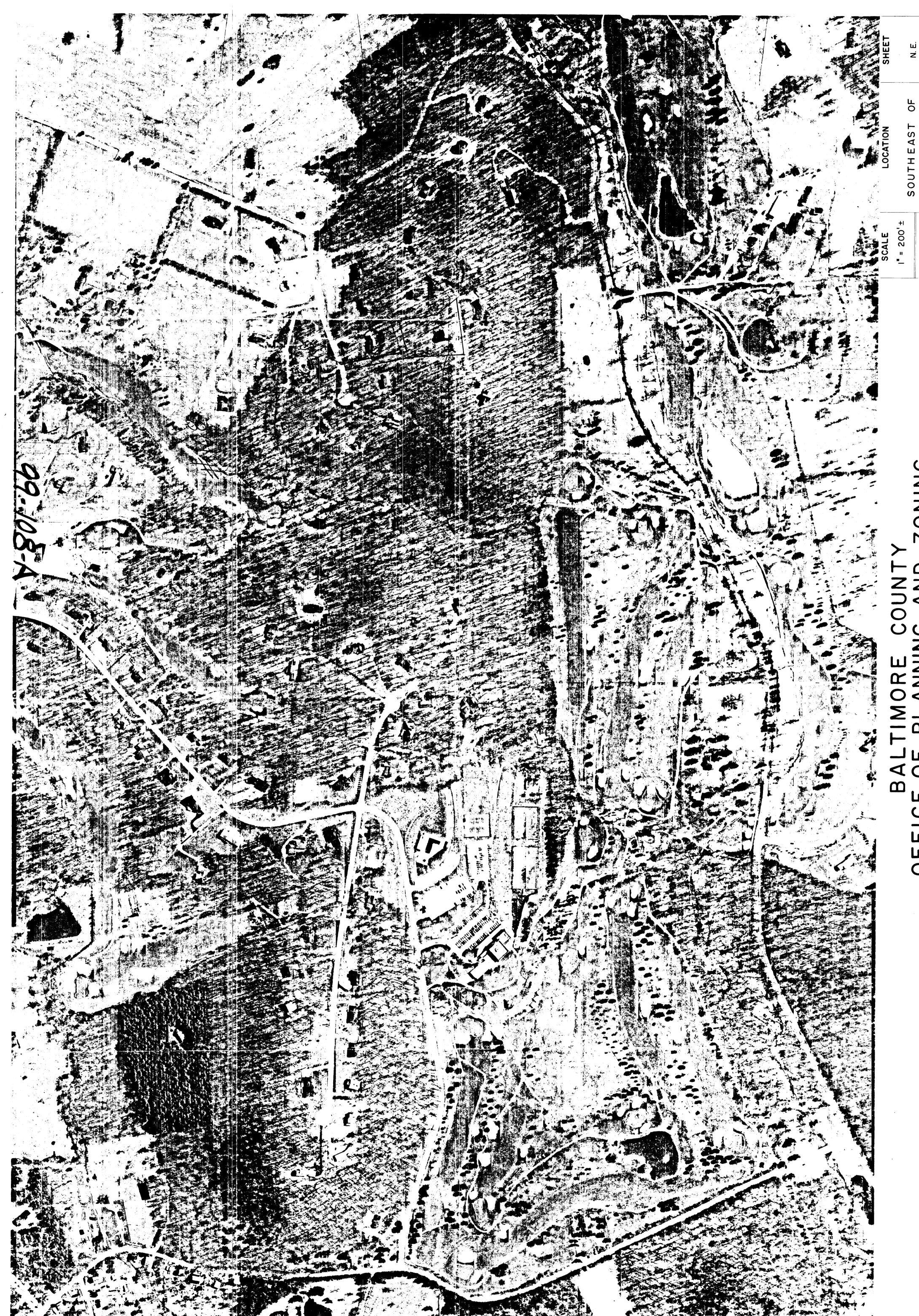












OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

20.

PHOENIX